INTRODUCTION

The forthcoming General Election is an important opportunity to improve supports for women and children experiencing domestic abuse1 and to remove the barriers preventing them from moving on to better, safer lives. Much has been done in the last four years including ratifying the Istanbul Convention and enacting the Domestic Violence Act 2018. However, much remains to be done to make sure legislative progress is implemented in practice and that much needed resources are provided for specialised services assisting women experiencing domestic violence. A new and comprehensive approach to protect and support children impacted by domestic violence is also necessary.

In this manifesto Women’s Aid outlines what we want the next government to do to make sure everyone experiencing domestic violence gets the support they need. These actions are in line with the Istanbul Convention and the EU Victims’ Directive. Domestic violence and abuse is a serious crime, one that can result in stress, short and long term trauma and physical injuries and, in extreme cases, murder. 2020 needs to be a turning point for women and children affected by domestic violence. Whoever forms the next government and members of the next Dáil and Seanad, must take domestic violence against women and children seriously.

Sarah Benson, CEO, Women’s Aid.

DOMESTIC VIOLENCE IN IRELAND

- A recent European Survey2 on violence against women found that in Ireland:
  > 14% of women have experienced physical violence by a partner (current or ex).
  > 6% of women have experienced sexual violence by a partner (current or ex).
  > 31% have experienced psychological violence by a partner (current or ex).
- In 2018, there were 19,089 contacts made with Women’s Aid during which 16,994 disclosures of domestic abuse against women were made. We also heard 3,728 disclosures of abuse against children.3
- 230 women have been murdered in Ireland since 1996. 63% of women were killed in own home. In 56% of resolved cases, the perpetrator was a current or former intimate partner.4
- The annual financial cost of domestic abuse against women in Ireland is estimated to be almost 1 Billion euro.5

1 While recognising that the legal term in Ireland is ‘domestic violence’ we acknowledge that many victims/survivors identify more with the term ‘domestic abuse’ or ‘intimate partner violence’. Women’s Aid uses these terms interchangeably in this manifesto to refer to the same set of abusive behaviours by current or former intimate partners (including emotional, physical, sexual and financial abuse and coercive control).
4 Women’s Aid Femicide Watch Report (Republic of Ireland) 2019 available at www.womensaid.ie.
10 PRIORITIES FOR THE NEXT GOVERNMENT

1. Reform and resource the family law system across the country to ensure that family law proceedings are conducted in safe and appropriate circumstances, especially where there is domestic abuse, and prioritise the development of the Hammond Lane Family Court in Dublin 7.

2. Reform and resource the criminal justice system to make it responsive to the needs of survivors of domestic violence.

3. Provide adequate funding for specialist services responding to domestic abuse.

4. Enact legislation to criminalise cyber-stalking and image based sexual abuse, establish a Digital Safety Commissioner and provide support for victims.

5. Introduce statutory paid domestic violence leave in employment legislation.

6. Ensure that women and children escaping domestic abuse have priority access to long term and affordable accommodation.

7. Establish a Domestic Homicide Review Tribunal.

8. Provision of training on responding to domestic violence for staff in statutory agencies.

9. Ensure accurate data and statistics on domestic violence are collected and published.

10. Establish a statutory Maintenance Agency, separate from the family courts, to collect payments.
WOMEN'S AID IS CALLING ON THE NEXT GOVERNMENT TO:

1. Reform and resource the family law system across the country to ensure that family law proceedings are conducted in safe and appropriate circumstances, especially where there is domestic abuse, and prioritise the development of the Hammond Lane Family Court in Dublin 7.

The Government should:

a. Make available the necessary funding to ensure the construction of a purpose-built family law complex at Hammond Lane, Dublin 7, as a matter of urgency. Funding should ensure that the complex is safe, child-friendly and includes a wide range of on-site supports to meet current and future need.

b. Establish a regional network of specialist Family Law Courts with trained staff and provide adequate facilities and training for all relevant practitioners in Family Courts.

c. Review legislation and practice to ensure safe custody and access arrangements for children and women separating in the context of domestic violence both at final and interim stages.

d. Ensure that mediation remains voluntary, that there are exemptions for domestic violence and that victims are not penalised for refusing it.

e. Fund risk assessment reports and voice of the child representation in Family Law proceedings.

f. Fund Legal Aid adequately to reduce waiting lists and increase access to legal representation.

6. Establish a network of supervised contact centres.

Rationale:

Women’s Aid is a member of the ‘Courting Disaster’ campaign which includes a wide range of organisations whose clients engage with the Family Law system. The campaign calls attention to the archaic and conditions in the family law courts in Dublin, especially Dolphin House. These conditions increase stress and anxiety which can result in volatility, and even violence, in the course of family law proceedings. Urgent action must be taken to address this unacceptable state of affairs.

In many places across the country there are no dedicated family law courts. Family law matters are heard alongside criminal cases in the District Courts, which are commonly held in inappropriate surroundings. This also results in insufficient time to allow judges to adequately review complex and sensitive domestic abuse cases. This must change.

Our daily support work with women separating from abusive partners clearly indicates that the Family Law Courts do not ensure their safety and that of their children. Proceedings are prolonged, stressful and costly. There is a pro-contact assumption that often trumps considerations regarding the risk to the children and their mothers, as well as sometimes the stated wishes of children not to be forced to go on access.

As a result Custody and Access orders by the courts are often dangerous and/or detrimental to the safety and the well-being of children and their mothers and allows the abuse to continue.

The Courts are overburdened and lack trained experts for risk assessment and to represent the voice of the child. Expert reports are paid by the parties. These are expensive and often take a long time due to lack of available experts.

Legal Aid availability for child-related matters is limited, and waiting times are excessive. Applicants are only entitled to one Legal Aid certificate per year, which means that if a woman applies for a safety or a barring order, and then subsequently needs legal representation for other family law-related matters such as maintenance or access hearings, she won’t be entitled to Legal Aid for a second time in the same year. Income thresholds are also too low. The number of Certificates per year needs to be increased and income thresholds reviewed.

When supervised access is ordered, there are no facilities where it can take place. In many cases the woman or her family have to supervise

6 More detailed recommendations are available in our Family Law Court Reform submission available at https://www.womensaid.ie/download/pdf/20190409233709.pdf

access, at great risk to their safety. A successful pilot run by Barnardos and One Family years ago was inexplicably discontinued.

- The forthcoming Family Courts Bill, establishing dedicated family courts, is a great opportunity to improve family law proceedings and Women’s Aid supports this development in principle. It needs to take into account the specific needs of families separating in a context of domestic violence.

- Training on domestic violence should be provided for all Family Law professionals to improve both process and outcomes for women and children. Such training should be delivered in conjunction with specialist domestic violence services.

- The Judicial Council should make specialist training on domestic violence available for judges.

- It has been recognised that mediation is not appropriate where there is domestic violence and the Istanbul Convention prohibits mandatory alternative dispute resolution processes in domestic violence cases (Article 48).

2 Reform and resource the criminal justice system to make it responsive to the needs of survivors of domestic violence.

The Government should:

a. Audit the criminal justice system response to domestic violence and research innovative practices in other jurisdictions.

b. Greatly improve data collection in relation to domestic violence related crime and resource specialist services to provide court support to victims of domestic violence in criminal proceedings.

Rationale

- A recent Women’s Aid report8 on domestic violence and the criminal justice system has found significant issues and gaps. For most participants, criminal proceedings were long and stressful and did not increase their overall safety. Many felt that the perpetrator was not adequately sanctioned and that the system failed them.

- The justice system is incident based, which does work when dealing with the complexity of domestic violence crime. The lack of communication between criminal and family law courts is of huge concern as it puts women and children at risk. We need to reconfigure the system and change priorities so that the safety of women and children comes first.

- There are huge gaps in data collection by criminal justice agencies, which prevents adequate knowledge of the extent of domestic violence crime and monitoring of the criminal justice system response.

- The Women’s Aid report also identified significant gaps in support for for victims before, during and after criminal proceedings.

3 Provide adequate funding for specialist services responding to domestic abuse.

The Government should

a. Provide adequate funding to the Women’s Aid 24hr National Helpline and our One to One Services so we can meet demand. Adequate funding should also be provided to local domestic violence services around the country.

b. Increase the number of refuges and other specialist accommodation responses to meet the needs of victims fleeing domestic abuse.

c. Establish specialist counseling programs for children exposed to domestic violence.

d. Fund long term therapeutic recovery support for women.

e. Provide adequate resources for the implementation of all aspects of the Istanbul Convention

Rationale

- Women’s Aid and other independent domestic violence services across the country are not fully resourced to meet ever increasing demand.

- The Istanbul Convention requires states to provide for specialist support services and refuges, in sufficient numbers and in an adequate geographical distribution. (Articles 22 and 23).

The number of refuges is generally accepted to be one family place per 10,000 population. By this standard Ireland only has one third of recommended refuge space, which is not enough to meet the needs of women and children escaping domestic violence. Moreover refuges are not available in every county.

- Refuges are also often full. In 2018, refuges were unable to accommodate 3,256 requests from women. More recent data from Women’s Aid National Freephone Helpline confirms this worrying trend. In 2018 the National Helpline made a total of 244 calls to Refuges on behalf of women seeking emergency accommodation and on 126 occasions the refuges reported they were full (52%). Many of these women had children with them and the lack of space in refuges may have meant they had to return to the abuser or become homeless.

- Children often need specialised support to overcome having been exposed to domestic abuse. Article 26 of the Istanbul Convention requires states to provide for children’s needs within specialist services as well as to provide long term counselling. In Ireland there are very few specialised and affordable support programs for children, mostly provided by refuges. Few are available for children outside of refuges. Mothers have reported to Women’s Aid how difficult it is to find suitable therapy for their children by counsellors specifically trained on domestic violence and children. Moreover private counsellors can be very expensive and not affordable for women escaping domestic violence. The consent of the perpetrator may be needed for the children to access therapeutic services, and abusive fathers often deny it.

- Women survivors of domestic abuse may require long term therapeutic support to overcome the impact of the abuse. While this support is essential, therapeutic services are expensive and many women are not able to afford them.

- Women’s Aid appreciates Minister Zappone’s €1.5 million increase in funding for domestic, sexual and gender based violence, specifically the 12 new outreach workers, the opening of new refuges in Dublin and Galway and the national roll out of a 12 week healing program for children who have been impacted by domestic abuse. However more than two new refuges are needed and the need for therapeutic support for women will remain unmet. The healing program for children is a welcome development but it needs to be widely available, free of cost and delivered by experts trained on the effects of domestic violence on children.

- The ratification of the Istanbul Convention needs to be matched by the allocation of sufficient resources to all the systems that deliver services and support to women affected by gender-based violence, including Police, courts, specialist services and prevention agents.

**Enact legislation to criminalise cyber-stalking and image based sexual abuse, establish a Digital Safety Commissioner and provide support for victims**

The Government should:


b. Prioritise and enact the Digital Commissioner Bill 2017 and adequate resources for full implementation need to be provided.

c. Specialist support services need to be resourced to provide legal advocacy and emotional support for victims.

**Rationale**

- Women are often controlled, followed, harassed and stalked by their abusers both during the relationship and after separation, including by traditional methods of stalking as well as the use of electronic technologies such as threatening texts, phone calls, emails, and use of spyware.

- Abusers use the Internet and social media to control and stalk their partners, have personal details, including intimate images and videos taken/uploaded without consent, or lies spread about them, and impersonate them online.

* In 2018 Women’s Aid received 561 disclosures of digital abuse and stalking.

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The FRA report on violence against women showed that 12% of Irish women and girls over the age of 15 had experienced stalking with 50% being stalked, physically and online, by a partner or ex.12

There are currently no specific offences criminalising image based sexual abuse, nor easy and affordable civil remedies to have damaging Internet content removed quickly. A comprehensive approach to tackling all forms of online abuse, harassment and image-based sexual abuse is required.

The Harassment, Harmful Communications and Related Offences Bill 201713 consolidates harassment/stalking legislation and criminalizes image based sexual abuse by creating new specific offences which make it illegal to create and distribute intimate images without consent.

The Digital Commissioner Bill 2017 provides for the creation of a Digital Safety Commissioner and for take down orders, which are vital for women in these circumstances.

The harms to victims of image-based sexual abuse are severe and persistent. Specialised support to deal with civil legal proceedings such as take down orders and counselling need to be provided and adequately resourced.

13% of employed women had experienced physical and/or sexual violence by a partner since age 15.

31% of employed women had experienced psychological violence by a partner since age 15.

3% of employed women had experienced physical and/or sexual violence by a partner or ex in the 12 months prior to the interview.

Research has shown that domestic violence impacts on the workplace, in terms of ability to work, missed days and performance. Incidents of abuse may occur within or near the workplace. It is important that workplaces are supportive of employees experiencing domestic violence.

When leaving a violent relationship women may need to search for new accommodation, seek medical treatment, or obtain legal advice. They may have to attend court numerous times. All this takes times and may be difficult to do while holding down a job. Domestic violence leave is being introduced in other jurisdictions to support survivors in taking the many steps that are needed to rebuild their lives.

Other measures to raise awareness, provide support and referral and increase safety within the workplace are also necessary.

Women’s Aid recommends that the government introduces 10 days paid domestic violence leave as well as other workplace measures to support workers who experience domestic violence. Complementary workplace measures should include: workplace safety planning, referral of employees to appropriate domestic violence support services; training for contact people in the workplace and possibility of flexible work arrangements.

Rationale

Domestic violence is pervasive and many women affected are in employment. The FRA14 report found that:

Domestic violence is a key driver of homelessness for women and children. A study15 carried out by Tusla and homeless charity Good Shepherd Cork found that women who left their homes because of violence were often unable to find alternative accommodation, and were forced to return to violent abusers. The qualitative study

Ensure that women and children escaping domestic violence have priority access to long term and affordable accommodation

The government should develop and implement housing legislation and/or binding guidelines to enable access to priority social housing and rent support to women and children who have to leave their homes due to domestic violence.

Rationale

Domestic violence is a key driver of homelessness for women and children. A study15 carried out by Tusla and homeless charity Good Shepherd Cork found that women who left their homes because of violence were often unable to find alternative accommodation, and were forced to return to violent abusers. The qualitative study
involved interviews with 30 participants. It found that homelessness and domestic violence were intrinsically linked, with a third of the women interviewed stating that they became homeless as a result of domestic violence.

- In the current housing crisis moving on from emergency accommodation or finding new accommodation after separation from an abusive partner is extremely difficult.

- Local authorities play a vital role in providing both emergency accommodation and long term housing to women made homeless by domestic violence. However there is no consistency across Local Authorities in regards to eligibility for social housing and Rent Allowance for women fleeing from domestic violence.

- Moreover, existing rules on eligibility hinders their access to local housing:
  
  » Domestic abuse is not named specifically in the factors used to assess a person as homeless under the Housing Act 1988. As a consequence, some Local Authorities do not consider women who have left their homes because of domestic violence and are staying with friends/relatives as “homeless”. Therefore, they are deemed as ineligible for priority housing. However staying with friends or family is not an appropriate long term solution for the majority of women and children in this situation.

  » Some Local Authorities require applicants to have lived in the area for a specified time or to have local connections to the area in order to be eligible for housing. This is problematic for women and children who wish to relocate to an area far away from where they were living with the abuser in order to keep safe.

  » Some Local Authorities do not consider a woman entitled to social housing if she jointly owns a property with her abuser, regardless of the fact that she is not able to live there due to safety concerns.

- Current Guidelines for Housing Authorities in Relation to Assisting Victims of Domestic Violence, published by the Department of Housing, Planning, Community and Local Government simply state the housing authorities’ discretion in allowing applications or establishing priority, but do not place a positive obligation on housing authorities to disregard the above rules in cases where there is domestic violence.

7 Establish a Domestic Homicide Review Tribunal

Women’s Aid welcomes the Independent Study on Femicide and Domestic Violence Homicide Reviews. We support setting up a Domestic Homicide Review (DHR) tribunal with a statutory basis, and a multi-agency composition, including specialist Domestic Violence NGOs and family and friends of the victim. These DHRs should have powers to make and monitor recommendations to improve overall response to intimate partner violence.

Rationale

- Domestic Homicide Reviews (DHRs) have been established in the UK, New Zealand and in many jurisdictions in Canada, Australia and the United States. They aim to learn from domestic homicides in order to improve systemic and service responses and better understand the dynamics of domestic abuse. The final goal of DHRs is to reduce further domestic killings and domestic abuse more generally.

- According to international best practice DHR tribunals should have a statutory basis and a multi-agency composition of statutory and non-statutory (voluntary) agencies. They should always include specialist domestic abuse services who are resourced to participate. Family of the victim (including children) needs to be integral to the DHR process. DHR should also involve friends, work colleagues, employers and other informal community networks of the victim and the perpetrator.

- DHR tribunals should have adequate and dedicated resources budgeted for in a stated government department.

- They should have powers to make and monitor recommendations to improve overall response to intimate partner violence.

- They should provide and publish regular reports on findings and recommendations. A database of all published DHRs (anonymised) should be maintained centrally and should be accessible to the public to allow for maximum dissemination of learning from DHRs.

- DHRs chair and report author need to be fully independent.

16 Women’s Aid submission to the Independent Study on Femicide and Domestic Homicide Reviews is available here: https://www.womensaid.ie/about/policy/publications/submissionfamilicideanddomestichomicide/
Provision of training on responding to domestic violence for staff in statutory agencies

Relevant staff of all statutory systems that provide assistance to victims should be trained, resourced and informed about domestic violence by providing ring-fenced funding for high quality training delivered in partnership with specialist support services.

Rationale

- Many frontline professionals have a vital role to play in assisting women and children experiencing domestic violence, including An Garda Síochána, Courts, legal personnel, social workers, A&E staff, maternity staff, mental health and child protection professionals, Local Authority staff and community organisations.
- It is essential that all these professionals know how to recognise domestic abuse, respond and refer appropriately so as not to miss opportunities to create a safe space for disclosure and support.
- It is Women’s Aid experience that in many of these agencies a consistent positive response is still not the norm, and that too much still depends on individuals’ attitudes and personal skills. Systematic improvement in response requires initial and ongoing quality training.
- The need for training of all relevant professionals is included in Article 15 of the Istanbul Convention, and is a key objective in the government’s national strategy on domestic, sexual and gendered based violence.
- Specialist support services are essentials partners in training statutory agency as they have unique insights and expertise on the dynamics of abuse, the effects of abuse, risk assessment and appropriate referrals.

Establish a statutory Maintenance Agency to collect payments

The Government should establish and resource a Statutory Maintenance Authority, separate from the family courts, to manage payments of Maintenance, as in other jurisdictions.

Rationale

- When women flee domestic violence partners, it is still their responsibility to apply for Maintenance for any children of the relationship and to ensure that it is paid. Abusers often do not pay the due amount at all or pay it partially and erratically, leaving women and children at risk of, or in poverty.
- Going through the courts to enforce Maintenance can put women at risk of retaliation from the abuser.
- It also represents an additional legal proceeding where women have already limited access to Legal Aid.
- Social Welfare assessments often include maintenance in the overall income of the woman, regardless of the fact that it is not paid to her and that it would be dangerous for her to enforce it.
- It should be the State’s role to hold fathers responsible for their maintenance obligations.

Ensure accurate data and statistics on domestic violence are collected and published.

The collection and publication of accurate data and statistics on domestic violence allows for planning, delivering and evaluating responses to victims and survivors.

Rationale

- Progress on data collection by statutory agencies in relation to domestic violence has been extremely limited.
- There is a lack of research and data on domestic violence crime and the response of the justice system in Ireland, which prevents important analysis of how the criminal justice system deals with domestic violence offenders and of the efficacy of domestic violence policy and legislation.
- Administrative data from other state bodies, including hospitals, social welfare or the housing system remains completely unavailable.
- It is hard to see how Ireland will be able to meet the Istanbul Convention data requirements, which requires regular data collection to inform evidence-based policy. Data must be disaggregated by sex of the victim and perpetrator and identify the relationship between victim and perpetrator.
ABOUT WOMEN’S AID

Women’s Aid is a leading national organisation that has been working in Ireland to stop domestic violence against women and children since 1974. We work to make women and children safe by offering support to women and their families and friends, providing hope to those affected by abuse and working for justice and social change.

24hr National Freephone Helpline 1800 341 900

Our 24hr National Freephone Helpline provides a listening ear, emotional support and practical information to women experiencing abuse from their current or former partners. It is the only free, national, domestic violence helpline with specialised trained staff, fully accredited and quality assured by The Helplines Partnership. It has a Telephone Interpretation Service facility covering 170 languages for callers needing support in their own language. We also provide a text service for deaf and hard of hearing women. The Helpline is a gateway into our Dublin based face to face and court support services and to other local independent support services and refuges around the country.

One to One Support

The Women’s Aid One to One Support Service provides in depth information and support to women experiencing domestic violence in locations across Dublin city and county. This ongoing face to face support can include Safety Planning with the woman and we can offer the woman a wide range of advocacy and referral support to external organisations and agencies such as Refuges, Housing, Social Welfare, Immigration, Gardaí, Family and Criminal Courts, Social Services and Health agencies. A snapshot of our advocacy and referral work includes accompanying women to the local Gardaí to make statements; assisting women to make Legal Aid applications; supporting a woman to regularise her immigration status because of domestic abuse; advocating to Housing Authorities for women who are no longer safe in their homes or supporting a woman to access local refuges. It also includes accompaniment to family and criminal courts.

Court Accompaniment

The Women’s Aid Court Accompaniment Service provides support for women availing of legal options regarding abuse by a current or former husband or partner. Women’s Aid Support Workers have expert knowledge and understanding of the family law system and of the legal options open to women living with domestic abuse. We provide emotional support, both before, during and after the court proceedings; support women as they face their abusive partners, clarify legal terminology, safety planning and explore further options. We support women with the following applications and hearings in the context of domestic abuse: Domestic Violence Orders, Access, Maintenance, Divorce and Separation.
**Dolphin House Support and Referral Drop In Service**

Based in the Dolphin House Family Law Court, the Support and Referral Service is a free and confidential drop in service for women who are experiencing domestic abuse. This can include emotional, physical, sexual or financial abuse. The service provides support and information on legal options, safety planning and links women in with domestic violence services for ongoing support. Women’s Aid runs this service in partnership with Inchicore Outreach Centre.

**High Risk Support Project**

The High Risk Support Project provides a multi-agency response to women at high risk of ongoing abuse and homicide from their ex-partners. Women’s Aid partners with An Garda Síochána and local domestic abuse services to deliver a co-ordinated rapid response system for women and families, which is generously supported by the Vodafone Foundation and the Department of Justice and Equality.

**Women’s Aid Law Clinic**

Our confidential and free legal information and assistance clinic supports women experiencing domestic violence who are representing themselves in domestic violence and family law proceedings. The clinic is staffed by volunteer lawyers from McCann Fitzgerald whose services are provided free of charge.

**Specialised Training**

Women’s Aid is a Centre of Excellence for Training and Development of professional and organisational responses to women and children experiencing domestic violence. We provide support to local and national organisations throughout Ireland, both statutory and non-statutory, to promote best practice responses to women and children experiencing domestic violence. All Women’s Aid training is informed and guided by over 40 years of experience of direct work supporting women and by international models of best practice.

**Public Awareness and Campaigns**

Women’s Aid leads the way in raising awareness and providing information on domestic violence to women experiencing abuse, their families and friends, their communities and wider society. Our annual public awareness campaigns and communications activity are a vital way to highlight the prevalence, nature and impact of domestic violence, dating abuse and Femicide. We also engage with the media to promote the 24hr National Helpline and our other support services. The Women’s Voices testimony project encourages and facilitates survivors of domestic abuse to tell their stories in a safe way to create better awareness and change for women in similar situations.

**Influencing Government and Policy**

Women’s Aid provides solutions based recommendations on improving legal responses, systems and protections for women and children experiencing abuse and we bring the concerns of women experiencing abuse to a number of national and local forums. We make submissions and meet with Government ministers, policy makers and members of the Oireachtas to discuss a range of issues and collaborate with other agencies and organisations to bring about political and social change.